IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 26255 of 2003

Between:

V.Ravinder, S/o Late Bala Goud,
R/o 5-8-120/5/A, Shanthi Nagar, Sangareddy,
Medak District.

..... PETITIONER

AND

1. Andhra Pradesh State Road Transport Corporation, rep. by its Regional Manager, Medak Region, Sangareddy, Medak District.
2. The Depot Manager, Andhra Pradesh State Road Transport Corporation, Bus Depot, Sangareddy, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or direction particularly one in the nature of Writ of Mandamus, declaring the impugned action of the respondents in regularizing petitioner's service only with effect from
01-07-1993 vide impugned Proc.No.SUPDT(P)/L/785(59)/99-RM.MR dated 09-02-2001 instead of regularizing his service from the date of initial appointment i.e.23-07-1991 as directed in W.P.No.9605/99 as arbitrary, unjust, discriminatory and in violation of Art.14,16 & 21 of the Constitution of India and also contrary to the order made in the W.P.No.9605/99 and consequently direct the respondents to regularize his service from the date of his initial appointment along with all benefits in the interest of justice and fair play.

For the Petitioner: MR.V.NARASIMHA GOUD, Advocate

Counsel for the Respondents: MR.K.HARINATH (SC FOR APSRTC)

The Court made the following :

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ORAL ORDER:

The petitioner questions the office order of the first respondent vide No.SUPDT(P)/L/785(59)/99-RM.MR, dated 09.02.2001, in regularising his services as Driver Grade-II with effect from 01.07.1993 instead of regularising his services from the date of his initial appointment i.e., 23.07.1991.

Learned counsel for the petitioner submits that the petitioner has joined the respondents-Corporation as driver on 23.07.1991 and he is entitled for regularisation of his services from the date of his initial appointment on completion of 240 days service, but his services were regularised from 19.04.1994 vide order dated 19.06.1994. Questioning the action of the second respondent-Depot Manager, Sangareddy, Medak District, in regularising his services with effect from 19.04.1994, the petitioner has filed Writ Petition No.9605 of 1999 which was allowed by order dated 07.07.1999 directing the respondents to regularise the services of the petitioner from the date of his initial appointment on completion of 240 working days, but he is not entitled to arrears or back wages. Aggrieved by the said order in

rejecting the claim of the petitioner with regard to arrears and back wages, the petitioner filed Writ Appeal No.1938 of 1999 and the Division Bench of this Court, while allowing the Writ Appeal, issued a direction to the respondents to extend all benefits – pecuniary and otherwise, flowing from regularisation of the services of the petitioner with effect from the date of his regularisation i.e., 01.07.1993.

No doubt, the said Writ Appeal was filed against the order of the learned Single Judge in not granting arrears and back wages, but it is to be noted that the Division Bench specifically issued a direction to the respondents to extend all benefits, i.e., pecuniary and otherwise, flowing from regularisation of the services of the petitioner with effect from the date of regularisation i.e., 01.07.1993. If the petitioner is aggrieved, the proper course open to him would be move an application seeking modification in the order of Writ Appeal. This Court cannot pass any orders as long as the petitioner gets modification or take appropriate steps in respect of the order passed in the Writ Appeal. Therefore, I do not see any illegality in the said impugned order of the respondents in regularising the services of the petitioner from 01.07.1993. However, the petitioner is at liberty to avail the remedies available to him under the law.

Subject to above, the Writ Petition is dismissed. No costs.

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21st July, 2004

*Nsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager, Andhra Pradesh State Road Transport Corporation, Medak Region, Sangareddy, Medak District.
2. The Depot Manager, Andhra Pradesh State Road Transport Corporation, Bus Depot, Sangareddy, Medak District.

3. Two CD copies.